

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39249 OF 2008

1. SURENDRA DAS @ KAUWA
2. BABNI DAS
BOTH SONS OF SRI GANESHI DAS, RESIDENT
OF VILLAGE-PANR, UNDER P.S. DALSINGSARAI,
DISTRICT-SAMASTIPUR.
.....PETITIONERS

Versus
THE STATE OF BIHAR.....OPPOSITE PARTY

2. 04.12.08. Heard learned counsel for the petitioners and the State.

The petitioner apprehends his arrest in connection with Dalsingsarai P.S. Case No. 116 of 2007 for offence under Section 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that present F.I.R. has been lodged at the behest of the present Mukhiya in which these petitioners were not supporting his candidature. It is further submitted that the informant of this case has absolutely no concern with the alleged stolen article. It is also submitted that the stolen article has not been given in the F.I.R. and this aspect of this case also make the case doubtful of the prosecution.

Considering the above submissions and on perusal of the allegations, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners namely (1) Surendra Das @ Kauwa and (2) Babni Das shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Dalsingsarai, Samastipur, in connection with Dalsingsarai P.S. Case No. 116 of 2007, subject to the conditions as laid down under Sub Section 2 of Section 438 of Code of Criminal Procedure.

m.p.

(Shailesh Kumar Sinha, J.)